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8 Attorneys for Plaintiff

9 UNITED STATES MAGISTRATE COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA, )

13 Plaintiff, )

14 v. )

15 LAWRENCE LEE WILLIAMS, JR., )

16 Defendant. )

No. 4-06-70378-WDB

ORDER AND STIPULATION FOR  
CONTINUANCE FROM JUNE 27, 2006  
THROUGH JULY 21, 2006 AND  
EXCLUDING TIME FROM THE SPEEDY  
TRIAL ACT CALCULATION (18 U.S.C. §  
3161(h)(8)(A)) AND WAIVING TIME  
LIMITS UNDER RULE 5.1

17 With the agreement of the parties, and with the consent of the defendant, the Court enters  
18 this order scheduling an arraignment or preliminary hearing date of July 21, 2006 at 10:00A.M.  
19 before the Honorable Wayne D. Brazil, and documenting the defendant's waiver of the  
20 preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time  
21 under the Speedy Trial Act, 18 U.S.C. § 3161(b), from June 27, 2006, to July 21, 2006. The  
22 parties agree, and the Court finds and holds, as follows:

23 1. The defendant appeared before the Court on June 27, 2006 and was represented by  
24 Assistant Federal Public Defender Elizabeth Falk. Defendant was released on a bond.

25 2. The defendant has yet to make his initial appearance in case number CR 06-0366-MJJ,  
26 having been in custody on state charges underlying the above-captioned case. Defendant is  
27 represented in that case by Assistant Federal Public Defender Hilary Fox.

28 3. Judge Brazil has asked that the two matters be calendared together upon his return

**FILED**

**JUN 29 2006**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

during the week of July 17, 2006.

4. Government counsel will be out of the district the first two weeks of July, 2006.

5. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) for continuity of counsel and to provide reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

6. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for preliminary hearing.

7. Counsel for the defense believes that postponing the preliminary hearing is in her client's best interest, and that it is not in her client's interest for the United States to indict the case during the normal 20-day timeline established in Rule 5.1.

8. After a hearing on this matter on June 27, 2006, the Court finds that, taking into account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by excluding the period from June 27, 2006 through July 21, 2006, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

9. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary hearing date before the Honorable Wayne D. Brazil on July 21, 2006 at 10:00 a.m., and (2) orders that the period from June 27, 2006 through July 21, 2006 be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED:

DATED: 6/28/06

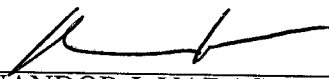
/s/  
ELIZABETH FALK  
Assistant Federal Public Defender

DATED: 6/28/06

/s/  
MICHELLE MORGAN-KELLY  
Assistant United States Attorney

1 IT IS SO ORDERED.

2  
3 DATED: June 29, 2006

  
NANDOR J. VADAS  
United States Magistrate Judge